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10/532,749

04/26/2005

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05/01/2008

EXAMINER

KING, BRADLEY T

ART UNIT

PAPER NUMBER

3683

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/532,749 | Applicant(s) OHARA ET AL. | |
| | Examiner Bradley T. King | Art Unit 3683 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-14 and 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin.

Martin discloses all the limitations of the instant claims including; a pair of base members 4-5 disposed in a manner opposed to each other and having a band shape; and a plurality of pile yarns bridging between the base members, the cushioning member being characterized in that: some of the pile yarns are cut at an intermediate portion between the base members to form first cut pile yarns and second cut pile yarns, the first and second cut pile yarns facing each other with a cut in between. Note that the language does not preclude all the piles being cut. See figures 6a-b or 11E.

Regarding claim 15, the cushioning member 4"-5" is located between a guiding member 6 and a moving member 2c' movable along the guiding member, wherein one of the base members is attached to the guiding member, and the other base member is in contact with the moving member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-247552 in view of Evans et al (US# 4849270).

JP 11-247552 discloses a cushioning member including; a pair of base members 15 disposed in a manner opposed to each other and having a band shape; and a plurality of pile yarns 31 bridging between the base members, the cushioning member being characterized in that: some of the pile yarns are cut at an intermediate portion between the base members to form first cut pile yarns and second cut pile yarns, the first and second cut pile yarns facing each other with a cut in between. JP 11-247552 lacks the disclosure of non-cut pile yarns between the base members adjacent the cut piles yarns. Evans et al disclose a similar cushion member and further teaches non-cut yarns 106 to reduce the friction of the cushion member (see column 8, lines 21-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the seal/cushion members of JP 11-247552 with the members taught by Evans to provide reduced drag to the door assembly while providing proper sealing. Note that while the claim language requires the non-cut pile yarns be between the base members, the claims do not require the non-cut yarns to extend from one base member to another.

Regarding claims 4 and 6-7, see [0028].

Regarding claim 5, see [0022].

Claims 1-3 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Evans (US# 4849270).

Martin discloses a cushion including; a pair of base members 4-5 disposed in a manner opposed to each other and having a band shape; and a plurality of pile yarns bridging between the base members, the cushioning member being characterized in that: some of the pile yarns are cut at an intermediate portion between the base members to form first cut pile yarns and second cut pile yarns, the first and second cut pile yarns facing each other with a cut in between. Martin lacks the disclosure of non-cut pile yarns between the base members adjacent the cut piles yarns. Evans et al disclose a similar cushion member and further teaches non-cut yarns 106 to reduce the friction of the cushion member (see column 8, lines 21-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the seal/cushion members of Martin with the members

taught by Evans to provide reduced drag to the door assembly while providing proper sealing. Note that while the claim language requires the non-cut pile yarns be between the base members, the claims do not require the non-cut yarns to extend from one base member to another.

Regarding claim 15, the cushioning member 4"-5" is located between a guiding member 6 and a moving member 2c' movable along the guiding member, wherein one of the base members is attached to the guiding member, and the other base member is in contact with the moving member.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3683

BTK